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C O N F I D E N T I A L BAGHDAD 003804

SIPDIS

E.O. 12958: DECL: 08/18/2015

TAGS: [PGOV](#) [PHUM](#) [IZ](#)

SUBJECT: DRAFT CONSTITUTION GOES FORWARD

REF: BAGHDAD 3783

Classified By: (U) CLASSIFIED BY CHARGE D'AFFAIRES
DAVID SATTERFIELD, REASON 1.5 (B) AND (D).

11. (C) Iraqi National Assembly Deputy Speaker Shahrستاني told Charge September 14 evening that he had given the UN earlier that day the official version of the Iraqi draft constitution for public dissemination. Shahrستاني and Kurdish negotiator Fuad Masum announced this to the press earlier in the day. The National Assembly would use this text in its public outreach efforts on national television and in meetings around the country, Shahrستاني confirmed to us.

12. (C) Shahrستاني implied that additional small changes to the text might be made if they would bring support from Sunni Arab political groups, such as the Iraqi Islamic Party. These could be justified under a loose interpretation of the transition law text that sought public input into the draft text. Shahrستاني said that he knew of no discussions between the Shia Coalition and Sunni Arab negotiators, however. He cautioned that some of the changes the Sunni Arabs seek, such as making it harder to secure the next assembly's approval of a law enabling the establishment of new regional entities would not be acceptable to his Shia Coalition. Charge welcomed leaving the door open to other small adjustments that might win Sunni Arab public support, but he commended the decision to move forward with the draft text now.

13. (C) Shahrستاني perceived that former Prime Minister Ayed Allawi's Iraqiya List bloc was largely in support of the draft text. The Iraqiya senior representative on the Constitution Committee, Adnan al-Janabi, had signed the final draft on behalf of his bloc, he said. Shahrستاني conceded that al-Janabi had declined to appear at the September 14 press event because he did not want to defend the draft publicly. Shahrستاني said that, nonetheless, most Iraqiya members would support the text. Similarly, he thought most of current Prime Minister Jafari's Da'wa party would also support the text, including Jafari himself.

14. (C) Charge urged Shahrستاني to seek a statement from the National Assembly when it reconvenes September 18 that welcomes the draft and urges it be approved in the October 15 referendum. Shahrستاني said this would have to be done carefully. If the floor was opened to discussion of the draft text, deputies who disagreed with a single article here or there would feel compelled to air those differences on the television. It would confuse the public and give the appearance that the draft has less support than it really does. By contrast, he said, he could issue a statement as Acting President of the Assembly. Charge urged that Shahrستاني find a formula that would lend maximum support from the Assembly to the draft text.

15. (C) Two of the Sunni Arab negotiators told Poloffs in separate conversations September 14 that the Sunni Arab political groups held in-house meetings on the night of September 13 to fix their individual parties' positions on the draft constitution. They said the parties would meet together on the night of September 14 to discuss a common Sunni Arab position. Neither of our sources thought it likely the text would gain public support from Sunni Arab leaders without changes to the identity language in Article 3 and the federalism language in Article 114 at least. Satterfield